

Application Serial No. 09/335,363
Customer No. 26021
Reply to Office Action dated March 23, 2004

PATENT
1884-39D (81841.0019)

REMARKS/ARGUMENTS:

Claims 1-34 are pending in the application. Reexamination and reconsideration of the application, in view of the following remarks, are respectfully requested.

Claim Rejection Under 35 U.S.C. § 102:

Claims 1-11, 13, 14, and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Styli et al. The Applicant respectfully traverses this rejection.

Claim 1 is as follows:

A clinical chemistry system comprising:

a storing station that receives and stores a plurality of primary sample tubes;

a sampling station including a sample probe that draws a volume of sample from a primary sample tube and transfers the volume to a secondary tube;

a carriage mechanism, comprising a gripper with a pair of opposed arms that close on one of the plurality of primary sample tubes, grips it, lifts it, and transports the primary sample tube from the storing station to the sampling station and returns the primary sample tube from the sampling station to the storing station;

a first and a second secondary tube transfer station, respectively, for coupling to first and second analyzers, the first and second sample tube transfer stations adapted to move the secondary sample tube from a continuous transport mechanism to be received by a corresponding one of the first and second analyzers; and

the continuous transport mechanism for moving filled secondary tubes to a selected one of the first and second secondary tube transfer stations.

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Applicant respectfully submits that Stylli cannot anticipate claim 1, because Stylli fails to teach "a carriage mechanism, comprising a gripper with a pair of opposed arms that close on one of the plurality of primary sample tubes, grips it, lifts it, and transports the primary sample tube from the storing station to the sampling station and returns the primary sample tube from the sampling station to the storing station."

The Examiner in her "Response to Arguments" section states that Stylli at col. 23, lines 12-18 teaches an articulated robotic arm used to grip plates that is used as a sample transporting means. The Applicant respectfully disagrees.

Stylli at col. 23, lines 12-18 states,

"In addition, a sample transport means can be used to operably link components of a liquid processing system or components within a module. Such a sample transport means can include conveyor belts, articulated robotic arms, slide mechanisms, automated guided vehicles and the like as known in the art, or developed in the future."

Stylli merely discloses "articulated robotic arms". There is no teaching or suggestion that these "articulated robotic arms" are used to grip any object, much less a sample tube. In addition, a "gripper" is not inherent in the phrase "articulated robotic arms". Furthermore, the Applicant could find no teaching or suggestion, anywhere in Stylli's extensive specification, claims, or figures, of a robotic arm that comprises a gripper with a pair of opposed arms that close on one of the plurality of primary sample tubes, grips it, lifts it, and transports the primary sample tube from the storing station to the sampling station and returns the primary sample tube from the sampling station to the storing station. Therefore, based upon Stylli, a person of ordinary skill in the art, would not arrive at the present invention.

Lastly, as the Applicant indicated in his November 6, 2003 response to the Office Action dated August 12, 2003, Stylli does not offer the advantages of the

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present invention, since Stylli relies on two pieces of equipment, e.g., a platen and a conveyor for transferring plates from a storing station to a sampling station. The present invention relies on only one piece of equipment, i.e., a gripper, to accomplish the same result. Such advantage cannot be derived from the mere mention of the phrase "articulated robotic arms". In addition, the chemical well retriever of Stylli encourages the use of a standard plate (Stylli, column 8, lines 57-67), while the present invention allows tubes of various diameters and heights to be used. (Applicant's specification, at page 10, lines 2-7).

In light of the foregoing, Applicant respectfully submits that Stylli could not have anticipated or rendered obvious claim 1, because Stylli fails to teach or suggest each and every claim limitation. Claims 2-19 depend from claim 1 and cannot be anticipated or rendered obvious for at least the same reasons as claim 1. Withdrawal of these rejections is thus respectfully requested.

Claim 20, although not depending from claim 1, requires the similar limitations of i) a gripper with a pair of opposed arms that close on, grips, and lifts the primary sample tube; and ii) using this gripper to transport the sample tube to a sample identification station. Therefore, Stylli could not have anticipated or rendered obvious claim 20 for the same reasons discussed above. Claims 21-34 depend from claim 20 and cannot be anticipated or rendered obvious for at least the same reasons as claim 20. Withdrawal of these rejections is thus respectfully requested.

Claim Rejection Under 35 U.S.C. § 103:

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stylli et al in view of Kurosaki et al. The Applicant respectfully traverses this rejection.

Claim 12 depends from claim 1 and cannot be rendered obvious over Stylli for at least the same reasons discussed above. Kurosaki cannot remedy the defect of Stylli and is not relied upon by the Examiner for such. Instead, the Examiner cites

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Kurosaki for teaching a cap piercer. Kurosaki neither teaches nor suggests anything related to grippers, much less grippers that transport tubes from the storing station to the sampling station.

In light of the foregoing, Applicant respectfully submits that Stylli and Kurosaki could not have made claim 12 obvious, because the combination of references fails to teach or suggest each and every claim limitation. Withdrawal of this rejection is thus respectfully requested.

Allowable Subject Matter:

The Examiner indicated that claims 15-19 and 28-34 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Examiner indicated that claims 15-19 and 28-34 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, since claims 15-19 and 28-34 depend from claims 1 and 20, respectively, and both claims 1 and 20 are believed to be patentable, claims 15-19 and 28-34 are believed to be patentable in their current form.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please
charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Dated: June 23, 2004

By: Barry M. Shuman
Wei-Ning Yang (contact person)
Registration No. 38,690
Attorney for Applicant(s)
Barry M. Shuman
Registration No. 50,220

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Fax: 213-337-6701